IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

RP.No. 494 of 2007(A)

AGAINST THE JUDGEMENT/ORDER IN WPC.11131/2006 Dated 05/03/2007

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REVIEW PETITIONER : PETITIONER

HARI G.NAIR,GOKULAM,KAKKAND,PANDALAM.

BY ADV. SRI.MATHEWS J.NEDUMPARA
SRI.S.JAMAL
SRI.BIMAL K.NATH
SRI.SREEVALSAN.V

RESPONDENTS:

1.THE SUB INSPECTOR OF POLICE,
KAKKANAD,COCHIN- REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. RUBCO SREEKANTAPURAM LATEX (P) LTD,
REP. BY ITS COMPANY SECRETARY,KVR TOWERS,
4TH FLOOR MAHATMA MANDIR JUNCTION, SOUTH BAZAR,
KANNUR.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER
SRI.C.P.MOHAMMED NIAS

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

R.P.No.494 of 2007 in
W.P(C) No.11131 of 2006(A)

Dated this the 4th day of June, 2007

ORDER

I have heard the learned counsel for the petitioner at length. I find absolutely no error apparent on the face of the record, which would justify the invocation of the jurisdiction in review. The grievance of the petitioner is that proceedings have been initiated against him for non appearance before the learned Magistrate in a criminal case. According to him, he is not the real accused in that case and he is being proceeded against most unnecessarily and unjustifiably. This contention cannot obviously be accepted by this Court in the light of the common order passed earlier by this Court in Crl.M.C.Nos.2502 of 2004, 1225 of 2005, 1232 of 2005 and 1244 of 2005. There also, it appears that the petitioner has raised the very same contention that he is not the managing director and is consequently not liable to face the prosecution. He had raised the contention there that the court is unnecessarily and unjustifiably proceeding against him. Justice A.K.Basheer in the said case has, after adverting to circumstances in detail, took the view that the petitioner is liable to face the prosecution as Managing Director and must raise his contention that he is not the Managing Director before the learned Magistrate. That order has already been challenged and the challenge was turned down by the Supreme Court.

2. The decision in the common order shows clearly that the petitioner must face trial and raise his contention that he is not the Managing Director before the learned Magistrate. I find absolutely no justification in the repetition of that prayer again in this Review Petition that the petitioner is not the Managing Director and proceedings to secure the presence of the petitioner in such prosecution should not be initiated or continued against him.

3. The learned counsel submits that though in the complaint he is not arrayed as an accused, by name he is forced to face the trauma of this prosecution. Justice A.K.Basheer had held that the petitioner must face trial as Managing Director. That finding has become final. I do not hence find anything in this grievance also.

4. That there is no error on the face of the record is evident, but the passionate submission of the learned counsel for the petitioner and the perseverance with which such contentions have been advanced have prompted me to make such reference to facts in this order.

5. This Review Petition is, in these circumstances, dismissed.

(R.BASANT, JUDGE)

rtr/-